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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,928	08/08/2001	Ralf Keller	52275-00010USPX	3702

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EXAMINER

ELAHEE, MD S

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,928

Applicant(s)

KELLER ET AL.

Examiner

Md S. Elahee

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-17 and 19-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-17 and 19-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/08/01,01/24/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 05/27/05. Claims 1, 3-17 and 19-34 are pending. Claims 2 and 18 have been cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3-17 and 19-34 have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because the body of the abstract contained two paragraphs. The second paragraph contained the word 'Fig.1'. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
7. Claims 1-6, 8-15, 26, 28-30 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsolais (U.S. Patent No. 6,088,598) in view of Tsunami et al. (U.S. Patent No. 6,735,431).

Regarding claim 1, Marsolais teaches transmitting a zone information request from MSC (fig.4; col.7, lines 8-18). However, Marsolais does not specifically teach “transmitting a zone information request from the mobile terminal”. Tsunami teaches transmitting a location [i.e., zone] information request from the mobile terminal (abstract; fig.7; col.10, line 55- col.11, line 6). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marsolais to incorporate transmitting a zone information request from the mobile terminal as taught by Tsunami. The motivation for the modification is to have doing so in order to receive particular information in a particular area.

Marsolais further teaches receiving the zone information by the mobile terminal (fig.4; col.3, lines 3-6, col.7, lines 8-10). However, Marsolais does not specifically teach “responsive to the request, receiving the zone information at the mobile terminal, wherein the zone information includes an identifier of the mobile terminal”. Tsunami teaches responsive to the request, receiving the zone information at the mobile terminal, wherein the location information includes an identifier of the mobile terminal (abstract; fig.7; col.10, line 55- col.11, line 49). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marsolais to incorporate responsive to the request, receiving the zone information at the mobile terminal, wherein the zone information includes an identifier of the mobile terminal as taught by Tsunami. The motivation for the modification is to have doing so in order to ensure receiving particular information specific for a terminal ID in a particular area.

Marsolais further teaches determining greetings [i.e., operational parameters] in the mobile terminal by means of the received zone information (fig.6; col.3, lines 3-12, 36-9, 59-62, col.4, lines 1-4, col.8, lines 10-18).

Marsolais further teaches setting the determined greetings as greetings of the mobile terminal (fig.4, 6; col.7, line 61- col.8, line 18).

Regarding claim 3, Marsolais teaches that zone information and operational parameters are allocated to each other and stored in the terminal, the determination of the operational parameters is realized by comparing the received zone information with stored zone information for determining a correspondence, and wherein the operational parameters allocated to the corresponding zone information are determined as operational parameters (fig.4, 6; col.7, line 61- col.8, line 18).

Regarding claim 4, Marsolais teaches that a interpretation provision is inherently stored in the terminal, and wherein the determination of the operational parameters is realized by interpreting the received zone information by means of the interpretation provision (fig.4, 6; col.7, lines 1-7, 61-67, col.8, lines 1-18).

Regarding claim 5, Marsolais teaches that the setting of the determined operational parameters is realized by storing a status information in a status information memory of the terminal (fig.4, 6; col.7, line 61- col.8, line 18).

Regarding claim 6, Marsolais teaches that the first transmission means is inherently a short range transceiver (fig.3; col.6, lines 33-44).

Regarding claim 8, Marsolais teaches that the received zone information comprises several zone types (col.6, lines 56-61).

Regarding claim 9, Marsolais teaches that the zone information is received by the first transmission means (fig.4, 5; col.3, lines 3-6, col.7, lines 8-10).

Regarding claim 10, Marsolais teaches that the mobile terminal determines a private system identities (PSID's) [i.e., distance parameter] value, and wherein the steps of determining operational parameters in the terminal and setting the determined operational parameters are performed if the PSID value indicates that the mobile terminal is located within the location zone (fig.6; col.3, lines 3-12, col.7, lines 26-36, 61-67, col.8, lines 1-18).

Regarding claim 11, Marsolais teaches that the distance parameter value is determined by means of a location information (fig.6; col.3, lines 3-12, col.7, lines 1-7, 61-67, col.8, lines 1-18).

Regarding claim 12, Marsolais teaches that the distance parameter value is determined by means of a signal received from a sender signaling the zone information (fig.6; col.3, lines 3-12, col.7, lines 26-36, 61-67, col.8, lines 1-18).

Regarding claim 13, Marsolais teaches that the indication, whether the mobile terminal is located within the location zone is determined by comparing the distance parameter value with a reference value (fig.6; col.3, lines 3-12, col.7, lines 26-36, 61-67, col.8, lines 1-18).

Regarding claim 14, Marsolais teaches that the reference value is negotiated between the mobile terminal and a sender signaling the zone information (fig.6; col.3, lines 3-12, col.5, lines 20-24, col.7, lines 26-36, 61-67, col.8, lines 1-18).

Regarding claim 15, Marsolais teaches that the switchover to the first transmission means is performed on a user request (col.5, lines 13-24).

Regarding claim 26, Marsolais teaches a transceiver 88 [i.e., first transmission means] receiving a zone information request and wirelessly sending out an allocated zone information in a limited transmission area (fig.4, 5; col.3, lines 3-6, col.7, lines 8-10, 37-39).

Marsolais further teaches a memory 95 [i.e., zone information memory] storing zone information data (fig.5, 6; col.3, lines 3-12, col.7, lines 1-7, 50-60).

Marsolais further teaches a computer unit determining by means of the stored zone information data the zone information, which is allocated to the zone information request (fig.4, 6; col.7, line 61- col.8, line 18).

Regarding claim 28, Marsolais teaches that zone information requests and zone information are allocated to each other and stored in the zone information memory, and wherein the computer unit detects a correspondence between the received zone information request and a stored zone information request by means of comparison and determines the zone information allocated to the corresponding zone information request as zone information to be sent (fig.4, 6; col.7, lines 1-7, 50-60, 61- 67, col.8, lines 1-18).

Regarding claim 29, Marsolais teaches that the computer unit determines the zone information by means of an interpretation provision (fig.4, 6; col.7, lines 1-7, 61-67, col.8, lines 1-18).

Regarding claim 30 is rejected for the same reasons as discussed above with respect to claims 13 and 14.

Regarding claim 32 is rejected for the same reasons as discussed above with respect to claims 1, 12 and 13.

Regarding claim 33, Marsolais teaches that a computer program capable of being loaded inherently into an internal memory of a digital computer unit and inherently comprising software code parts being suited to perform respective steps, if the computer program is executed on the computer unit (fig.4, 6; col.7, lines 61-67, col.8, lines 1-18).

Regarding claim 34, Marsolais teaches that the computer program is inherently stored on a computer-readable medium (fig.4; col.7, lines 50-59).

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsolais (U.S. Patent No. 6,088,598) in view of Tsunami et al. (U.S. Patent No. 6,735,431) further in view of Alberty et al. (U.S. Patent No. 6,178,330).

Regarding claim 7, Marsolais in view of Tsunami fails to teach “the second transmission means is deactivated by setting the operational parameters”. Alberty teaches that the second transmission channel [i.e., means] is deactivated by setting the transmission [i.e., operational] parameters (col.6, lines 35-50). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marsolais in view of Tsunami to incorporate the second transmission means being deactivated by setting the operational parameters as taught by Alberty. The motivation for the modification is to have doing so in order to deactivate the replaced channels.

9. Claims 16, 18-25 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsolais (U.S. Patent No. 6,088,598) in view of Tsunami et al. (U.S. Patent No. 6,735,431) further in view of Shinoda et al. (U.S. Patent No. 6,377,816).

Regarding claim 16 is rejected for the same reasons as discussed above with respect to claim 26. Furthermore, Marsolais teaches a memory [i.e., status memory] indicating the greetings [i.e., operational parameters] presently valid for the terminal (fig.5, 6; col.3, lines 3-12, col.7, lines 26-36, 61-67, col.8, lines 1-18).

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Marsolais further teaches a computer unit determining greetings by means of the received zone information and setting them as greetings for the terminal by means of the status memory (fig.6; col.3, lines 3-12, 36-9, 59-62, col.4, lines 1-4, col.8, lines 10-18).

However, Marsolais in view of Tsunami does not specifically teach "a second transmission means". Shinoda teaches a second transmission means (abstract; fig.2; col.2, lines 25-44, col.5, lines 19-29, 46-55, col.6, lines 5-11, 40-47, 65-67, col.7, lines 1-13). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marsolais in view of Tsunami to allow a second transmission means taught by Shinoda. The motivation for the modification is to have doing so in order to provide a compatible device having both functions of different communication protocols so that the device can change its connection to a communication network.

Regarding claims 18-21 and 23-25 are rejected for the same reasons as discussed above with respect to claims 2-4, 6 and 13-15 respectively.

Regarding claim 22 is rejected for the same reasons as discussed above with respect to claims 11 and 13.

Regarding claim 31 is rejected for the same reasons as discussed above with respect to claim 16.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsolais (U.S. Patent No. 6,088,598) in view of Tsunami et al. (U.S. Patent No. 6,735,431) further in view of Shinoda et al. (U.S. Patent No. 6,377,816) further in view of Alberty et al. (U.S. Patent No. 6,178,330).

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Regarding claim 17 is rejected for the same reasons as discussed above with respect to claim 7.

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsolais (U.S. Patent No. 6,088,598) in view of Tsunami et al. (U.S. Patent No. 6,735,431) further in view of Pass (U.S. Pub. No. 2004/0078354).

Regarding claim 27, Marsolais in view of Tsunami fails to teach "the zone information transmitter is mobile". Pass teaches that the wireless server [i.e., zone information transmitter] is wireless [i.e., mobile] (abstract; fig.1; page 1, paragraph 0009). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marsolais in view of Tsunami to allow the zone information transmitter being mobile as taught by Pass. The motivation for the modification is to have doing so in order to provide the mobile user a communication access to the web page by the use of artificial intelligence software in the wireless server.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chavez, Jr. et al. (U.S. Patent No. 5,914,668) teach Wireless terminal controlled mobility operational parameters.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. E.

MD SHAFIUL ALAM ELAHEE
August 2, 2005



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